

vised Civil Statutes of Texas, 1925, are repealed insofar as inconsistent with the provisions hereof; and providing for the repeal of all acts and parts of acts which relate to the same subject matter as this Act so far as they are inconsistent with the provisions of this Act; providing this Act shall be void as a whole if any part thereof held unconstitutional, and declaring an emergency."

To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman, the Senate, at 12:08 o'clock p.m., adjourned until 10:30 o'clock a.m. on Monday, January 21, 1957.

EIGHTH DAY

(Monday, January 21, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 17, 1957 was dispensed with and the Journal was approved.

Resolutions Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled resolutions:

H. C. R. No. 1, Providing for per

diem and mileage for Members of the Legislature.

H. C. R. No. 6, Providing for a Joint Session on January 14, 1957, at 10:50 o'clock a.m.

H. C. R. No. 7, Providing for closing of Capitol Grounds for Inauguration.

H. C. R. No. 8, Providing for Joint Session for Inauguration Ceremonies and for certain expenses incurred for Inauguration.

(President Pro Tempore in Chair.)

Resolution Signed

The President Pro Tempore announced the signing of, by the President in the presence of the Senate after the caption had been read, the following resolution:

H. C. R. No. 11, Inviting the Honorable Price Daniel, Governor of Texas, to address a Joint Session of the House and Senate to be held in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 17, 1957.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Smith:

S. B. No 55, A bill to be entitled "An Act defining the duties of public officers in regard to the publication of statements and notices providing for forfeiture of salary and removal from office for violation thereof and providing the procedure therefor; repealing Chapter 337, Acts 51st Legislature, Regular Session; declaring the provisions of the Act to be severable; and declaring an emergency.

To the Committee on State Affairs.

By Senators Fly and Kazen:

S. B. No. 56, A bill to be entitled "An Act dealing with weight limits of motor vehicles and combinations thereof; amending Section 5 of Chapter 42, Second Called Session, 41st Legislature, as heretofore amended; amending Section 5 of Chapter 71, Acts Regular Session 47th Legislature, as heretofore amended; providing penalties for violation of weight limits; providing that laws authorizing special permits shall not be af-

fectured hereby except as to penalties for violation of terms of special permits; providing that violation of terms of special permits shall not automatically render them void or inapplicable; providing that violation of one provision of a special permit shall not make the holder guilty per se of the violation of another provision thereof; providing that neither Section 1½, Chapter 146, Regular Session, 52nd Legislature, nor H. B. 11, Acts 52nd Legislature, Regular Session, nor Section 1 of Chapter 109, Acts Regular Session, 54th Legislature, shall be repealed, modified or altered by this Act; repealing Section 2 of Chapter 146, Acts Regular Session, 52nd Legislature, providing a savings clause; and declaring an emergency."

To the committee on Transportation.

By Senator Fly:

S. B. No. 57, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, and for State aid to designated public junior colleges, for the two-year period beginning September 1, 1957, and ending August 31, 1959; authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency."

To the committee on Finance.

By Senator Fly:

S. B. No. 58, A bill to be entitled "An Act relating to the salaries of all state officers except the salaries and other compensation of District Judges; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals out of the fees of office; specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

To the committee on State Affairs.

By Senator Fly:

S. B. No. 59, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties composing the same, and providing for the election of a member of the Congress of the United States from each district; repealing all laws and parts of laws in

conflict herewith; and declaring an emergency."

To the committee on Legislative, Congressional and Judicial Districts.

By Senator Fly:

S. B. No. 60, A bill to be entitled "An Act regulating the practice of professional engineering in this State; amending Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, which is codified as Article 3271a in the Revised Civil Statutes of the State of Texas, revising certain provisions, deleting certain provisions, and adding certain provisions relating to the subject matter of the Act; and declaring an emergency."

To the committee on State Affairs.

By Senator Fly:

S. B. No. 61, A bill to be entitled "An Act amending Chapter 562 Page 914, General and Special Laws of the State of Texas, 47th Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by adding three new Sections to be known as 16-A, 16-B and 16-C, and amending Subsections (1) of Section 27 and Section 28; providing for financial assistance to needy individuals who are at least eighteen (18) years of age and not more than sixty-five (65) years of age who are permanently and totally disabled; providing eligibility requirements for such assistance; designating the State Department of Public Welfare as the State Department to administer such program, and authorizing the said Department to cooperate with the Department of Health, Education, and Welfare or any other Federal Agency authorized to administer such aid; providing for the payment of such assistance and the administrative expenses incident thereto; providing for the acceptance and use of any Federal monies allocated to the State Department of Public Welfare for the payment of assistance or for administrative costs; amending Section 2, Article XX of Chapter 184, Acts of 47th Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (6), and amending Subsection 4-c; providing for the allocation of State funds to the Special Fund created in the State Treasury to be known as the "Disabled Assistance Fund"; making an appropriation for payment of administrative

expenses for the remainder of the fiscal year ending August 31, 1957; making an appropriation for payment of administrative expenses for each year of the biennium beginning September 1, 1957 and ending August 31, 1959; and providing a repealing clause, a saving clause, and declaring an emergency."

To the committee on Finance.

By Senator Reagan:

S. B. No. 62, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees during their junior and senior years, and to award such degrees; providing that funds heretofore or hereafter appropriated by the Legislature of this state shall not be used to defray the costs of conducting such classes; providing that costs of instructional salaries and classroom supplies for conducting such classes shall be paid from tuition and other fees and charges paid by students enrolled in such classes; requiring an election to authorize the exercise of the powers herein granted; containing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 63, A bill to be entitled "An Act to prohibit the sale, offering or exposing for sale of fireworks; providing exceptions; defining fireworks, regulating the manner of using fireworks under certain conditions, providing penalties for the violation of the provisions of this Act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Reagan:

S. B. No. 64, A bill to be entitled "An Act authorizing the possession of certain devices for catching fish or shrimp under specified circumstances in Willacy County Navigation District; repealing all laws or parts of laws in conflict; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Reagan:

S. B. No. 65, A bill to be entitled "An Act providing for the subdivision of consolidated independent school districts into separate divisions for the election of school trustees; providing that after the adoption of this Act, candidates offering for trustee

must file for the division in which they reside; providing that when the board of trustees adopt the procedure herein it may not rescind such action, but may redefine the boundaries of such divisions; providing the method for determining the trustees who shall serve one, two and three years, respectively, after the first election; repealing all laws in conflict herewith, except those providing for election of school trustees by position, number or division, and making such laws cumulative with this Act; and declaring an emergency."

To the Committee on Education.

By Senator Moore:

S. B. No. 66, A bill to be entitled "An Act creating a County Court-at-Law of Brazos County, defining the jurisdiction of said court, regulating the practice therein; prescribing the terms of said court; providing for a Clerk thereof; providing for transfer of certain cases pending in the District Court of the 85th Judicial District of Brazos County; correlating the jurisdiction of the County Court-at-Law of Brazos County and the 85th Judicial District in Brazos County; providing for the election of the Judge for said court; prescribing his qualifications; fixing his compensation; providing for his powers, duties and jurisdiction; providing for the appointment and compensation of a Secretary and Reporter for said court; making certain other provisions relating to said court; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Herring:

S. B. No. 67, A bill to be entitled "An Act requiring publication of certain information appearing on each application for the purchase of land under the Texas Veterans' Land Act; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 68, A bill to be entitled "An Act making appropriation for the increase in salaries of state officials and state employees for the period beginning the effective date of this Act and ending on August 31, 1957, supplementing the salaries designated and/or provided for in Articles I, II, III and V, Chapter 519, Acts of the Regular Session of the

54th Legislature; and declaring an emergency."

To the Committee on Finance.

By Senator Bracewell:

S. B. No. 69, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties and parts thereof composing the same, and providing for the election of a member of the Congress of the United States from each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senators Bracewell, Aikin, Willis, Smith and Phillips:

S. B. No. 70, A bill to be entitled "An Act amending Article III of Section 1, subdivision (4), paragraph "a," of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, to redefine the words "mentally retarded children"; and declaring an emergency."

To the Committee on Finance.

By Senator Bracewell:

S. B. No. 71, A bill to be entitled "An Act to amend Section 12 of Article I and Section 19 of Article II of the Texas Liquor Control Act, so as to strike the word 'knowingly' from the provisions thereof relating to the sale of liquor and beer to persons under the age of 21 years, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Bracewell:

S. B. No. 72, A bill to be entitled "An Act recognizing liability on the part of the State of Texas or any of its political subdivisions for the negligent or wrongful acts of its officers and employees in the same manner as private persons, firms or corporations; authorizing suit against the State and providing for jurisdiction and venue in such suits; limiting the liability of the State of Texas or any of its political subdivisions to the same extent as the liability of persons, firms or corporations; and prohibiting agreements waiving defensive rights; providing for settlement of claims of less than five hundred (\$500.00) dollars; and providing that this Act shall not affect the provisions of the Workmen's Compensation Law.

To the Committee on State Affairs.

By Senator Lane:

S. B. No. 73, A bill to be entitled "An Act to amend Section 5 of Chapter 282, Acts, Regular Session, 41st Legislature (1929), as amended by Section 2 of Chapter 174, Acts, Regular Session, 42nd Legislature (1931), as amended by Section 2 of Chapter 148, Acts, Regular Session, 45th Legislature (1937); and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Lane:

S. B. No. 74, A bill to be entitled "An Act to amend Section 4 of Chapter 282, Acts, Regular Session 41st Legislature (1929), as amended by Section 1 of Chapter 174, Acts, Regular Session, 42nd Legislature (1931), as amended by Section 1 of Chapter 148, Acts, Regular Session, 45th Legislature (1937); and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Willis:

S. B. No. 75, A bill to be entitled "An Act increasing the salaries of the Justices of the Supreme Court, the Judges and Commissioners of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and Criminal District Courts of this State; providing for and fixing their salaries; providing that this Act shall not repeal any law authorizing supplemental compensation paid by the counties; repealing conflicting laws; and declaring an emergency."

To the Committee on Finance.

By Senator Ashley:

S. B. No. 76, A bill to be entitled "An Act making an appropriation to pay the principal of a certain judgment obtained against the State of Texas in Cause No. 105219 styled Stuart & Barrett vs. The State of Texas, in the District Court of Travis County, Texas, 53rd Judicial District, according to the tenor, effect and reading of such judgment; providing that only the principal of such judgment be paid and that no interest be paid thereon; and declaring an emergency."

To the Committee on Finance.

By Senator Parkhouse:

S. B. No. 77, A bill to be entitled "An Act authorizing an 'eligible' city, as defined herein, to employ the alternative procedure of issuing its

negotiable revenue bonds, within the maximum amount prescribed herein, secured by the revenues of its waterworks system or its waterworks and sanitary sewer systems, and to utilize the proceeds of such bonds, in accordance with a contract with a district or authority created under Article XVI, Section 59 of the Constitution to pay the construction cost of a water supply project to be constructed by such district, from which supply project such city shall have procured a permit to utilize water outside of the watershed; prescribing the method of the authorization, issuance and terms of such bonds, the security therefor, restrictions as to expenditures of bond proceeds, the right to issue interim bonds, procedure for issuing refunding bonds, requirement for and effect of approval by the Attorney General, right to invest proceeds of the bonds during the construction period, eligibility characteristics of the bonds; providing that the provisions hereof shall take precedence over conflicting and inconsistent provisions of other statutes and charters; containing a severability provision; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 78, A bill to be entitled "An Act to amend Chapter 325; Acts of the 50th Legislature, 1947, (Vernon's Annotated Civil Statutes, Article 1269m) by amending Section 2 thereof by redefining "Fireman" and "Policeman"; and by amending Section 12 thereof by stopping the creation in the future of new classified positions unless established by ordinance; and by amending Section 13 thereof by providing that the results of examinations for promotion shall be published within twenty-four hours; and by amending Section 14 thereof, as amended by Section 4 of Chapter 572, Acts of the 51st Legislature, 1949, and as amended by Section 1 of Chapter 255, Acts of the 54th Legislature, 1955, by providing the manner in which examinations for promotion shall be prepared and graded; and by amending Section 26 thereof, as amended by Section 6 of Chapter 255, Acts of the 54th Legislature, 1955, by providing that upon leaving the classified service an employee shall, if he so elects, be entitled to receive a lump sum payment for not more than ninety (90) days of accumulated sick leave;

and by adding thereto a new section numbered Section 26(a), providing vacations for firemen and policemen in the classified service; and by amending Section 27(a) thereof by limiting the applicability of the provisions of said Chapter 325, Acts of the 50th Legislature, 1947, as amended, to cities which have adopted or which shall hereafter adopt the provisions thereof; providing a saving clause; and declaring an emergency."

To the committee on State Affairs.

By Senator Hazlewood:

S. B. No. 79, A bill to be entitled "An Act relating to the creation and designation of Ground Water Conservation District No. 3, south of the Canadian River, and validating the creation and election confirming said district; enacting other provisions relating to the subject; and declaring an emergency."

To the committee on Water and Conservation.

Senate Bill on First Reading

The following bill was introduced, read first time and held for referral at a later date:

By Senators Aikin, Lock, Reagan, Willis, Moore, Rogers, Gonzalez, Smith, Phillips and Kazen:

S. B. No. 80, A bill to be entitled "An Act amending Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended by the addition of Section 1-a thereto in Senate Bill No. 1, Chapter 5, Acts of the 53rd Legislature, First Called Session, 1954, and as amended by the addition of Section 1-b and other provisions thereto in House Bill 720, Chapter 436, Acts of the 54th Legislature, Regular Session, 1955, so as to improve the minimum teacher salary schedule in the Foundation School Program Act; providing this Act shall be effective beginning with the school year 1957-58 and thereafter, and declaring an emergency."

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committees indicated:

By Senator Aikin:

S. B. No. 81, A bill to be entitled

"An Act amending Chapter 181, Acts of 1935, 44th Legislature, as amended by Chapter 373, Acts of 1937, 45th Legislature, by the addition of a new section authorizing the Public Safety Commission to reorganize and consolidate the various divisions and positions provided for in said Acts in the interest of economy and efficiency, and declaring an emergency."

To the committee on State Affairs.

By Senator Fuller:

S. B. No. 82, A bill to be entitled "An Act to amend Section 1 of Article 1583-2 of the Penal Code of Texas, 1925, as enacted and added by Chapter 143, Acts of the 50th Legislature, 1947, and as last amended by Chapter 168, Acts of the 53rd Legislature, Regular Session, 1953, by providing increased minimum salaries for firemen and policemen in cities having certain populations; by changing the time within which an election shall be held on a proposed salary increase and by changing the time within which such increase shall be put into effect; by permitting such an election for either a fire department or a police department as well as for both; repealing all laws in conflict to extent of such conflict; providing a severance clause; and declaring an emergency."

To the committee on State Affairs.

By Senator Gonzalez:

S. B. No. 83, A bill to be entitled "An Act further prescribing the qualifications of directors of Bexar Metropolitan Water District by providing that each director shall be a resident qualified elector of Bexar County, Texas, and the owner of taxable property within the area comprising the district, by amending subsection (e) of Section 8 of Chapter 306, page 491, of the Acts of the Forty-ninth Legislature of Texas, Regular Session, enacted in 1945, as amended by House Bill No. 107, being Chapter 66, page 100, of the Acts of the Fifty-third Legislature, Regular Session, enacted in 1953, and declaring an emergency."

To the committee on Water and Conservation.

By Senator Martin:

S. B. No. 84, A bill to be entitled "An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at

Tarleton State College; prescribing courses of study; providing an operative date; and declaring an emergency."

To the committee on State Affairs.

(Senator Weinert in Chair.)

By Senator Martin:

S. B. No. 85, A bill to be entitled "An Act amending House Bill 302, Chapter 337, Acts of the 53rd Legislature, Regular Session, 1953, by adding a new Section to be known as Section 2a; providing for the adding or attachment of territory of any military reservation independent school district abolished by the State Board of Education to a school district contiguous to the territory; directing duties of county board of school trustees therein; providing for the combining of scholastic census in such instance; and declaring an emergency."

To the committee on Education.

By Senator Martin:

S. B. No. 86, A bill to be entitled "An Act to amend Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes), relating to administrative judicial districts, by adding thereto a section to be known as Section 5a, providing in case of assignment it shall be the duty of the district judge to serve, unless for good cause he is excused; and declaring an emergency."

To the committee on Legislative, Congressional and Judicial Districts.

By Senator Martin:

S. B. No. 87, A bill to be entitled "An Act amending portions of Chapter 118, Acts of the 52nd Legislature, 1951, which is codified as Article 4528c of Vernon's Texas Civil Statutes and is sometimes known as the Vocational Nurse Act; amending Section 10 by extending its provisions to include suspension of licenses as well as revocation of licenses; and declaring an emergency."

To the committee on Public Health.

By Senator Gonzalez:

S. B. No. 88, A bill to be entitled "An Act requiring all meetings of all boards, commissions, committees of the Legislature, and all other agencies of the State, City, County, or other political subdivision of the State to be open, with certain exceptions; making it unlawful to hold or participate

in a closed meeting; defining an offense; prescribing a penalty; providing for removal of officers from office; containing a separability clause; and declaring an emergency."

To the committee on State Affairs.

By Senators Hardeman, Ratliff, Smith, Owen and Hazlewood:

S. B. No. 89, A bill to be entitled "An Act amending Chapter 163, Acts of 52nd Legislature, Regular Session, 1951, H. B. 384, page 280; same being known as Article 4591 of the Revised Civil Statutes of Texas, as amended by Acts of 1893, page 4, as amended by Acts of 1911, page 52, and Acts of 1921, page 99, and by Acts of 42nd Legislature, 1931, Chapter 8, paragraph 1, page 9, by designating certain days as legal holidays on which all public offices of the State may be closed; providing for repeal of all laws in conflict therewith; providing for the effective date of such Act be declared an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. B. No. 90, A bill to be entitled "An Act providing for county juvenile boards in each of the counties of Angelina, Cherokee and Nacogdoches; prescribing the membership and powers of each board and providing for compensation for the members of the boards; providing that this Act shall be cumulative of existing laws relating to compensation for judges of district courts and county judges; providing a savings clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Lock:

S. B. No. 91, A bill to be entitled "An Act relating to liens of mechanics, laborers, contractors and materialmen; amending Articles 5453, 5455, 5456, 5457, 5461, 5462, 5463, 5465, 5467 and 5468, Revised Civil Statutes of Texas, 1925, as amended, pertaining to the manner of fixing and securing liens, the rights of parties, and defining the rights, duties, obligations and liabilities of parties affected thereby; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Lock:

S. B. No. 92, A bill to be entitled "An Act to repeal Article 5160, Re-

vised Civil Statutes of Texas, 1925, as amended, bond for wages, relating to the requirement of the usual penal bond on public works and the additional obligation that a contractor shall make payments to all persons supplying him with services and materials in work on public jobs and by such repeal revoking all previous requirements that strict technicalities of the mechanic lien laws be complied with and substituting in the place thereof a new act providing for the giving of the usual penal bond for public works with the additional obligation that such contractor shall promptly make payments to all persons supplying him with labor, services or materials, and providing requirements as to surety, and defining the duties, rights and obligations of contractors, sureties and all those parties furnishing labor, services or materials for public jobs, and providing requirements for filing of claims on funds of the contracting authority, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Lock:

S. B. No. 93, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to acquire by purchase in the name of the State of Texas, for the use and benefit of the Texas Forest Service, and to improve the same, a sufficient quantity of land suitable for the operation thereon of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products; and declaring an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. B. No. 94, A bill to be entitled "An Act amending Article 13.34 V.A.T.S. Election Code, Revised Civil Statutes of Texas, 1925, by adding a provision that representatives of newspapers, wire news services, radio and television stations, shall have the right to attend the precinct conventions, the county conventions and the State convention for the purpose of reporting the proceedings thereof; and declaring an emergency."

To the Committee on State Affairs.

(President Pro Tempore in Chair.)

By Senator Willis:

S. J. R. No. 5, Proposing an amend-

ment to Article III, Section 51a of the Constitution of the State of Texas, so as to increase the maximum payments per month for Old Age Assistance from State funds to Twenty-one (\$21.00) Dollars per month per recipient and to increase the total amount of State funds for Old Age Assistance, Aid to the Blind, and Aid to Dependent Children payments to Fifty Million (\$50,000,000) Dollars per year; providing for the necessary election, form of ballot, publication, proclamation, and making an appropriation to defray the necessary expenses of proclamation, publication, and holding the election.

To the Committee on Constitutional Amendments.

By Senator Fuller:

S. J. R. No. 6, Proposing an amendment to the Constitution of Texas so as to authorize the Legislature to provide retirement benefits for the elected and appointed county and precinct officials of this State; providing that this amendment shall be cumulative of all Constitutional Amendments on retirement and Social Security benefits; providing for the necessary election, form of ballot, proclamation and publication.

To the Committee on Constitutional Amendments.

By Senator Bracewell:

S. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas, fixing the term of office of the Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land office, and Commissioner of Agriculture at four (4) years; providing for the submission of this resolution to the vote of the people; and directing the Governor to issue the necessary proclamation.

To the Committee on Constitutional Amendments.

Senate Resolution 45

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery the American History and Government Classes of the Schertz-Cibolo Public Schools, accompanied by Mrs. Lorraine Younger, teacher; and

Whereas. These students and guests

are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

WEINERT
GONZALEZ

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the teacher and students to the Members of the Senate.

Senate Resolution 46

Senator Ratliff offered the following resolution:

Whereas, Bobby Morrow, a student of Abilene Christian College, Abilene, Texas, has distinguished himself, his school, his state and his nation by winning three gold medals at the 1956 Olympics in Sydney, Australia; and

Whereas, This talented young man won first place medals in the following events: 100-meter dash, 200-meter dash, and 400-meter relay;

Whereas, We are proud and encouraged by such outstanding athletic achievements of the youth of our great state; and

Whereas, The Senate of the Fifty-fifth Legislature wishes to recognize and pay tribute to Bobby Morrow, his coach, and that fine institution, Abilene Christian College; now therefore, be it

Resolved, That the Senate extend its sincere congratulations on behalf of the State of Texas and that copies of this resolution be sent to Abilene Christian College and to Mr. Morrow with out best wishes for victory through life.

RATLIFF
HARDEMAN
HUDSON
OWEN

The resolution was read and was adopted.

Senate Resolution 47

Senator Ratliff offered the following resolution:

Whereas, The Stamford High School football team of Stamford, Texas, has won the Interscholastic League's Conference AA Championship in 1955 and 1956; and

Whereas, These teams coached by Mr. Gordon Wood and his assistants exemplified the finest sportsmanship in their athletic contests; and

Whereas, The Senate of the Fifty-fifth Legislature wishes to recognize and pay tribute to the victorious Stamford High School Bulldogs; and now, therefore, be it

Resolved, That the Senate extend its sincere congratulations on behalf of the State of Texas and that 10 copies of this resolution be sent to Coach Wood with our best wishes.

The resolution was read and was adopted.

Senate Resolution 48

Senator Ratliff offered the following resolution:

Whereas, The Abilene High School football team of Abilene, Texas, has won the Interscholastic League's Conference AAAA Championship in 1954, 1955, and 1956; and

Whereas, These teams coached by Mr. Chuck Moser and his assistants exemplified the finest sportsmanship in their athletic contests; and

Whereas, The Senate of the Fifty-fifth Legislature wishes to recognize and pay tribute to the victorious Abilene High School Eagles; now, therefore, be it

Resolved, That the Senate extend its sincere congratulations on behalf of the State of Texas and that ten copies of this resolution be sent to Coach Moser with our best wishes.

The resolution was read and was adopted.

(Senator Martin in the Chair.)

Senate Concurrent Resolution 8

Senator Lock offered the following resolution:

S. C. R. No. 8, Granting S. F. Bowser Company, Inc., permission to sue the State of Texas.

Whereas, The corporation herein-after named, at various times paid certain franchise taxes and filing fees

to the State of Texas in the total amount set forth below as follows:

S. F. Bowser Company, Inc., Franchise taxes and/or filing fees \$2,760.67.

Whereas, Such corporation, a foreign corporation, and its successors and assigns, maintain that the above-mentioned franchise taxes and filing fees were illegally and unlawfully exacted of them in the amount shown above, respectively, under unconstitutional or invalid laws; and

Whereas, Neither such corporation nor its successors and assigns or those succeeding to such causes of action have heretofore been able to file suit against the State of Texas on such claims, or to otherwise obtain payment thereof; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the above-named corporation, its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise, are hereby granted permission to sue the State of Texas to determine whether or not and in what amount taxes and filing fees have been heretofore illegally exacted of the above-named corporation, its predecessors or successors, respectively, and to recover judgment against the State of Texas for any such amount of taxes and/or filing fees illegally and unlawfully exacted and collected of and paid by such corporation or its predecessors or successors.

It is especially understood that the purpose of this Resolution is to grant permission to sue the State of Texas to the corporation named above, and its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise.

Nothing herein shall be construed as an admission of liability against the State, and the facts upon which the plaintiff may seek to recover must be proved as in any other case.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General of Texas and the Secretary of State of the State of Texas.

Venue herein shall lie in any District Court of Travis County, Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Resolution 49

Senator Owen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr. Wm. J. Elliott of El Paso, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Resolution 50

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Ray Elliott, Mr. Harry Elliott and Mr. Ira Whitt from El Paso, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Concurrent Resolution 9

Senator Secrest offered the following resolution:

S. C. R. No. 9, Providing committee to select Poet Laureate and alternate Poet Laureate for State.

Whereas, There is a close connection between the long growth of civilization and the development of literature; and

Whereas, It has been customary in all ages for governments to recognize this relation by elevating the poet to the same plane as a statesman and military leader; and

Whereas, The recognition of outstanding poets in this State and their elevation to places of honor will have a wholesome and beneficial effect on literature in this State; and

Whereas, The Legislature of the State of Texas has for several sessions established the policy sought by this resolution to be continued; now, therefore, be it

Resolved, By the Senate of the

State of Texas, the House of Representatives concurring, that there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years from such appointment and designation; that said committee shall consist of two (2) members of the Senate to be named by the Lieutenant Governor, two (2) members of the House to be named by the Speaker, and said committee shall meet with the Governor who is hereby designated as the fifth member of the committee; or if the Governor does not serve, he is hereby authorized to designate the fifth member of the committee; and, be it further

Resolved, That an alternate Poet Laureate with the same qualifications of the Poet Laureate be appointed for the same period of time, who shall serve in the event of the death or resignation of the Poet Laureate.

The resolution was read and was referred to the committee on State Affairs.

**House Concurrent Resolution 9
on Second Reading**

On motion of Senator Secrest and by unanimous consent, the presiding officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 9, Inviting Dr. W. R. White, President of Baylor University, to address a Joint Session of the Legislature.

The resolution was read and was adopted.

Resolutions Signed

The Presiding Officer announced the signing by the President Pro Tempore in the presence of the Senate after the captions had been read the following enrolled resolutions:

S. C. R. No. 7, Providing for the adoption of the Joint Rules of the House and Senate of the 54th Legislature.

S. C. R. No. 4, In memory of Mrs. Nannie Partlow Daniel.

Adjournment

On motion of Senator Hardeman the Senate at 11:35 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Amon G. Carter

Senator Willis offered the following resolution:

(Senate Resolution 39)

Whereas, On June 23, 1955, Amon G. Carter, devoted husband and father, friend of newsboys and presidents alike, whose life exemplified a Horatio Alger Story in its fullest, died in Fort Worth, Texas, after a full life of real service to his city, state and nation; and

Whereas, Amon G. Carter exemplified the classic American tradition of rugged individualism in that he was born on December 11, 1879, in a log house in Wise County, the son of pioneer parents, William and Josephine Carter, and through application of his innate honesty and courage became one of Texas' greatest sons; and

Whereas, Space is inadequate to record fully the contributions of this great man to the Texas he so dearly loved, this story will be best told by future historians of Texas' great men; and

Whereas, This good man is survived by his wife, Mrs. Minnie Meacham Carter; one son, Amon G. Carter, Jr.; one daughter, Mrs. J. Lee Johnson III; one sister, Mrs. Addie Brooks, of Covington, Kentucky; three half brothers, Roy E. Carter, Kermit; Grady Carter, San Antonio; Ralph Carter, Houston; and five grandchildren; now, therefore, be it

Resolved, That a page be set aside in the Senate Journal as a memorial to Amon G. Carter and that when the Senate adjourns today that it do so his memory.

WILLIS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Wood.

The resolution was read.

On motion of Senator Ashley and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of

George Shelton Dowell

Senator Herring offered the following resolution:

(Senate Resolution 40)

Whereas, In the passing of George Shelton Dowell of Austin, Texas, on the 14th day of January, 1957, the people of Travis County lost one of their most distinguished and highly respected citizens; and

Whereas, George Shelton Dowell was a life-long resident of Austin, having been born December 11, 1879, at 504 East Second Street and having resided there during his entire lifetime; and

Whereas, He began the practice of law in 1906 and for fifty years was widely recognized in his profession for his fair and judicious application of the law, and was one of the oldest practicing attorneys in Travis County; and

Whereas, George Shelton Dowell was a ruling elder of the First Southern Presbyterian Church and a devout Christian gentleman whose influence was felt by all who knew him; and

Whereas, He served his community and his State well and contributed largely to its civic and religious well-being; and

Whereas, George Shelton Dowell is survived by his wife, Mrs. Hattie Lucille Palmer Dowell, whom he married in Litcher, Louisiana, on December 1, 1914; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Journal of the Senate be devoted to the recording of this Resolution; and, be it further

Resolved, That an enrolled copy of this Resolution be sent to Mrs. Hattie Lucille Palmer Dowell as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mrs. Mattie Gray Ashley

Senator Fuller offered the following resolution:

(Senate Resolution 41)

Whereas, On the 27th day of September, 1956, Mrs. Mattie Gray Ashley, the mother of our beloved colleague, Senator Carlos C. Ashley, was called to her Heavenly Reward; and

Whereas, Mrs. Ashley's passing, at the age of 83, ended a full and outstanding life of service as the true daughter of pioneer parents, who, living in the ranch country practically all of her life, adhered to the rugged habits of her forebears; and

Whereas, Mrs. Ashley was born on November 5, 1872, to Reuben Washington Gray and Susan Standifer Gray, who settled on Cherokee Creek in San Saba County in 1860; and

Whereas, She was a member of the Church of Christ and observed in her daily life the highest principles of Christianity; and

Whereas, She was the faithful wife of W. A. Ashley, a ranchman who spent all of his life in San Saba County, and preceded her in death in the year 1938; and

Whereas, Mrs. Ashley is survived by two sons, Reuben Ashley, a prominent ranchman of San Saba, and Senator Carlos C. Ashley of Llano; and four grandchildren and two great-grandchildren; and

Whereas, She was willing to contribute generously of her time, her means, and her talents, so that the welfare of her neighbors and fellow citizens might be improved; and

Whereas, She filled all the years allotted to her with devoted service to her family, to her friends, and to her community; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the useful life of this outstanding Texan, Mrs. Mattie Gray Ashley, and to express sympathy to her family; now, therefore, be it

Resolved by the Senate of Texas, That a page in the Journal be set aside as a memorial to Mrs. Ashley, and that official copies of this resolution be sent to the members of her family as a tribute to her life; and be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Mrs. Ashley.

FULLER

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Lane and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Alden Davis

Senator Herring offered the following resolution:

(Senate Resolution 42)

Whereas, In the passing of Alden Davis of Austin, Texas, on the 14th day of January, 1957, the people of Travis County lost one of their most outstanding and worthy citizens; and

Whereas, Alden Davis belonged to a pioneer family of Travis County, having been born in Austin, Texas, on the 5th day of December, 1885, and having made this city his lifelong home; and

Whereas, He was an outstanding business man, having been associated with the Walter Tips Company of Austin, Texas, since October of 1916, and having served a number of years as vice-president and a member of the Board of Directors of that organization; and

Whereas, His civic interest in his community was well known, and he was one of the founders of the Better Business Bureau of Austin, Texas, and initiated and participated in many worthwhile projects for the City of Austin; and

Whereas, Alden Davis served his community and his State well and contributed largely to their progress and advancement; and

Whereas, He is survived by his wife, Mrs. Mabel Makemson Davis of Austin, Texas, and one daughter, Mrs. Nolan Harvey of Austin, Texas, and three grandchildren; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and be it further

Resolved, That an enrolled copy of this Resolution be sent to Mrs. Mabel Makemson Davis and Mrs. Nolan Harvey as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Frank H. Pancoast

Senator Gonzalez offered the following resolution:

(Senate Resolution 43)

Whereas, Our Heavenly Father, in His infinite wisdom did call from his earthly labors, Frank V. Pancoast of San Antonio; and

Whereas, Mr. Pancoast was a well-known citizen, public servant, and was a member of the San Antonio Country Club, Elks Lodge and Kiwanis Club, and was a director of the Alamo Motor Club; and

Whereas, He was vice-president and trust officer of the Frost National Bank, where he began his career as a "runner" with this bank in 1899, the year it was chartered, and was employed there continuously for 57 years; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this fine public spirited citizen who contributed so much to his city, State and especially to the City of San Antonio; and

Whereas, He is survived by his widow, his sister, Miss Nellie Pancoast; and two brothers, George J. and Henry L., all of San Antonio; now, therefore, be it

Resolved by the Senate of Texas, That we extend our sincere sympathy to the family of Frank V. Pancoast; that a copy of this Resolution be sent to each member of his family and that a page in today's Journal be devoted to his memory; and that when the Senate adjourns today, it do so in memory of Frank V. Pancoast.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Honorable Charles B. W. Dick

Senator Hudson offered the following resolution:

(Senate Resolution 44)

Whereas, On Friday, January 11, 1957, the State of Texas lost one of its most courageous, distinguished and honored citizens with the untimely passing of Charles B. W. Dick; and

Whereas, He was born in New Jersey in 1915, he lived in France during his youth. He graduated from Princeton University and moved to Texas with his charming wife, Anne; and

Whereas, Mr. Dick took over management of the Dolores Ranch north of Laredo on the Rio Grande in 1938. This ranch had been founded by his maternal grandfather, Charles B. Wright, after the Civil War. Mr. Wright was founder of the Northern Pacific Railway and opened the first coal mines in Texas north of Laredo on the Dolores Ranch; and

Whereas, Mr. Dick was founder of the Reform Party, which in the best democratic tradition, was a challenge to the established party. He was a candidate for the Senate of Texas in 1956; and

Whereas, Mr. Dick helped improve the livestock industry in Texas by his avid interest in improving the type of cattle that could best flourish in the southwestern plains of this State; and

Whereas, Charles B. W. Dick was a devoted father and a loving husband and is survived by his wife, Anne, daughter of Henry Washburn Child, former Ambassador to Italy; his daughter, Anne, 15; his mother, Mrs. Hebe Wright Dick of Virginia; and his sister; and

Whereas, The death of Charles B. W. Dick was a public loss which cannot be compensated; now, therefore, be it

Resolved, That when the Senate adjourns today, it do so in memory of Charles B. W. Dick, and that a page in the Senate Journal be set aside in respect and honor of his memory; and be it further

Resolved, That enrolled copies of this resolution be transmitted to his surviving beloved wife, Anne; his daughter, Anne; and his mother, Mrs. Hebe Wright Dick.

HUDSON

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Kazen Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Moore and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.